



Republican Policy Committee

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July 17, 1995

S. 343 -- Comprehensive Regulatory Reform Act of 1995

First Degree Amendments Filed for Cloture Vote Monday

On Thursday, July 13, 1995, the Republican Leader filed a cloture petition on S. 343, the Comprehensive Regulatory Reform Act of 1995. Under a unanimous consent agreement entered into on Friday, the Senate will proceed to a cloture vote on the Glenn/Chafee substitute amendment at 6:00 p.m. Monday, July 17. The unanimous consent agreement also provided that all first degree amendments were ordered to be filed by close of business Friday, July 14. Following is a list of those amendments filed.

No. 1541. Harkin. Fishing lure regulation by the EPA.

No. 1542. Harkin/Lugar. Edible oil regulatory reform.

No. 1543. Kennedy. Exempt OSHA and mine safety regulations.

No. 1544. Campbell. Exempt rules approving individual state plans submitted pursuant to federal requirements.

No. 1545. Feingold. Campaign finance reform.

No. 1546. Dorgan. Strikes exemption for rule implementing an international trade agreement.

No. 1547. Simon/Wellstone. Exemption for rules affecting children.

No. 1548. Thomas. Renewal of federal grazing permits not necessarily subject to an Environmental Impact Statement.

No. 1549. Snowe. Bottled water standards.

No. 1550. Brown. Limits federal agency preemption of state laws.

Nos. 1551-1552. Shelby. Rights of small businesses prior to federal agency enforcement actions.

No. 1553. Heflin. Jurisdiction of the Court of Federal Claims.

Nos. 1554-1555. Hatch. The Dole/Johnston Substitute amendment.

No. 1556. Specter. Insert "including the President" after "Government of the United States" in APA section 551, definitions, which will permit judicial review of decisions taken by the President, when the President is exercising delegated authority.

Nos. 1557-1558. Hatch/Dole. Adds greater net benefits test to existing decisional criteria tests.

Nos. 1559-1560. Graham. Adding "including performance-based standards" to instructions for the annual agency regulatory accounting statements.

No. 1561. Dorgan. Report of the Governors of the Federal Reserve System.

No. 1562. Grassley. Cost-benefit statements to include an analysis of cumulative financial burden of compliance.

No. 1563. Brown. In cases arising from agency interpretations, imposes standards of proof for defendant's "willful violation" during agency civil and criminal actions.

No. 1564. Gramm. Private property owner cause of action for compensation from Federal takings of 25 percent of value or \$10,000.

No. 1565. Gramm. Omnibus Property Rights Act of 1995.

No. 1566. Pressler. Waiver of penalties when Federal Water Pollution Control Act compliance plans are in effect.

No. 1567. Simon. Postpones effective date until 45 days following enactment of new legislation listing the laws and rules affected by this Act.

No. 1568. Simon. Repeal of prohibitions against political recommendations relating to Federal employment.

Nos. 1569-1571. Simon. Options when agency fails to complete review of a rule on the agency schedule for review of existing rules by the deadline for that rule.

No. 1572. Hatch. Changes title of Dole/Johnston substitute to the "Dole/Johnston Regulatory Reform Act of 1995."

No. 1573. Bond/Robb. Petition for alternative means of compliance.

- No. 1574. Lautenberg. Strikes Toxic Release Inventory review provision.
- No. 1575. Roth. Interagency coordination requirements imposed on OMB.
- Nos. 1576-1580. Dodd. Exempts rules the primary purpose which is to protect children.
- No. 1581. Glenn/Levin. Substitute amendment for Dole/Johnston. See RPC summary.
- No. 1582. Domenici. Provides in the congressional review provisions that the GAO must prepare reports for Congress only upon request by Congress.
- Nos. 1583-1587. Roth. Substitute procedures for OMB centralized review and coordination of agency compliance with cost-benefit and risk assessment requirements.
- No. 1588. Chafee. Substitute language for section 706 (a)(2)(F), "substantial evidence" standard for review by courts of fact finding by the agency.
- No. 1589. Chafee. Strikes section 706 (a)(2)(F), above.
- No. 1590. Chafee. Strikes section 634, petition for review of a major free-standing risk assessment.
- No. 1591. Chafee. Shortens statutory and court-order deadline delays provided in Dole/Johnston to permit agencies to comply with this Act.
- No. 1592. Chafee/Lieberman. Substitute language for judicial review of cost-benefit, decisional criteria, and risk assessment.
- No. 1593. Chafee. Exempts from "major rule" all agency approvals of state plans providing for implementation of federal standards.
- No. 1594. Chafee. Strikes references to risk assessments from decisional criteria's requirements that agencies select a rule that is likely to significantly reduce the human health, safety, and environmental risks to be addressed.
- No. 1595. Chafee. Prohibits discounting of future benefits.
- No. 1596. Chafee. Substitute for section 624, decisional criteria.
- No. 1597. Stevens. Exempts from definition of "major rule" a rule that allocates resources or promotes competition among industry sectors.
- Nos. 1598-1600. Stevens. Places authority with the President for designation of major rules, and other determinations.
- No. 1601. Stevens. Restricts exemption for agency management of real property to that

property that is internal to the agency.

No. 1602. Stevens. Strikes rule of construction applying Act to informal rulemaking.

No. 1603. Stevens. Exempts risk assessments for rules managing the harvest of fish or game.

No. 1604. Hatch. Adds new section to section 624, decisional criteria, to instruct courts to review agency discretion broadly to require the agency to identify and select reasonable alternatives.

Nos. 1605-1608. Hatch. Replaces "least cost alternative" requirement in the decisional criteria section with "greater net benefits" and "least net cost." Strikes sections 624 (b)(3), 624 (b)(4), 624 (c)(2), and 624 (c) (3).

Nos. 1609-1610. Craig. Reduces deadline for agency review of rules on the review schedule from 11 years to seven years.

No. 1611. Lieberman. Substitute language for section 629, alternative method of compliance.

No. 1612. Chafee/Lieberman. Strikes section 624, decisional criteria, and all references to it.

No. 1613. Lieberman/Chafee. Add new section stating nothing in this Act shall amend or weaken any statutory criteria protecting human health, safety, or the environment.

Nos. 1614-1617. Kennedy. Strike Delaney Clause reform provision with various substitutes.

No. 1618. Kennedy. Exempts rules relating to performance standards for electrical wires connecting medial devices.

No. 1619. Kennedy. Strikes section 629, petition for alternative methods of compliance.

No. 1620. Kennedy. Exempts from major rules those rules which have a primary purpose of protecting the special health needs of women.

No. 1621. Kennedy. Exempts from major rules those rules which have a primary purpose of protecting the health and safety of children.

Nos. 1622-1623. Kennedy. Exempts rules removing a product from commerce.

No. 1624. Kennedy. Exempts compliance activities and educational and compliance documents from risk assessment requirements.

No. 1625. Kennedy. Exempts mine safety and health regulations from cost-benefit and decisional criteria.

No. 1626. Kennedy. Exemptions for rules dealing with blood safety.

No. 1627. Levin. Strikes from section 706, scope of review, new standards for review of agency findings of fact.

No. 1628. Levin. Exempts FEC and FCC rules.

No. 1629. Levin. Exempts rules relating to government loans, grants, or benefits.

No. 1630. Levin. Technical to peer review.

No. 1631. Levin. Technicals to cost-benefit analysis requirements.

No. 1632. Levin. Strike interlocutory review of determinations that a rule is not a major rule, and whether a risk assessment is necessary.

No. 1633. Levin. Strike decisional criteria for risk assessments.

No. 1634. Levin. Technical to cost-benefit analysis requirements.

No. 1635. Levin. Exempts rules removing products from commerce, and deletes the exemption for rules that provide relief from a statutory prohibition.

No. 1636. Levin. Reduces agency burden to show factual conclusions are founded in the record.

No. 1637. Levin. Replaces references to the "text of the statute" with "statute in the recodification of section 553.

No. 1638. Levin. Change to peer review.

No. 1639. Levin. Strike option for President to order a peer review.

No. 1640. Levin. Change to peer review.

No. 1641. Levin. Shortens deadline postponements in section 626 from five years to two years.

No. 1642. Levin. Deletes section 706 (a) (2)(F), "substantial support" review standard for fact finding by agency.

No. 1643. Levin. Technical to peer review.

No. 1644. Levin. Add rules to major rules that are designated by OIRA and Small Business Administration with OIRA concurrence, and make those designations not judicially reviewable.

No. 1645. Levin. Requires repeal of existing rules by agencies pursuant to schedule for review to by rulemaking.

No. 1646. Levin. Change to definition of "reasonable alternatives."

No. 1647. Levin. Substitute for section 623, agency regulatory review.

No. 1648. Levin. Strike section 629, petition for alternative method of compliance.

No. 1649. Levin. Change to section 706 judicial review standards for cost-benefit and risk assessment.

No. 1650. Glenn. Strike all section 553, rulemaking.

No. 1651. Glenn. Strikes requirement to publish annual risk assessment data as part of semiannual regulatory agenda.

No. 1652. Glenn. Strike decisional criteria.

No. 1653. Glenn/Levin. Amendments to risk assessments provisions.

No. 1654. Glenn/Levin. Exempts rules removing products from commerce and exempts from risk assessment screening analyses used for restricting products already in commerce.

No. 1655. Glenn/Levin. Confines risk assessments to eleven covered agencies.

No. 1656. Glenn/Levin. Substitute for Regulatory Flexibility Act amendments.

No. 1657. Glenn/Levin. Changes effective date from date of enactment to 180 days after date of enactment, grandfathering all rules proposed before that later date.

No. 1658. Glenn/Levin. Strikes section 707, consent decrees.

No. 1659. Glenn. Makes peer review panels subject to the Federal Advisory Committee Act.

No. 1660. Glenn/Levin. Substitution for decisional criteria.

No. 1661. Glenn. Strikes language urging agencies to consider effect on specially affected subgroups.

No. 1662. Levin. Strike interlocutory review for certain agency determinations.

No. 1663. Dorgan. Removes exemption for rules dealing with mergers and acquisitions.

No. 1664. Biden. Amends section 708, affirmative defense.

No. 1665. Biden. Substitute for decisional criteria.

No. 1666. Glenn. Substitute for section 625, jurisdiction and judicial review, subsections (a) through (d).

No. 1667. Boxer. Essentially exempts the Community Right to Know Act.

No. 1668. Boxer. Essentially exempts the Clean Air Act.

Nos. 1669-1674. Boxer. Strikes various exemptions under the definition of "rule" in section 621 (9)(B).

No. 1675. Boxer. Exempts blood supply safety rules.

No. 1676. Boxer. Essentially exempts the Safe Drinking Water Act.

No. 1677. Boxer. Essentially exempts the Coastal Zone Management Act of 1972 and the Oil Pollution Act of 1990.

No. 1678. Boxer. Exempts rules dealing with aviation safety.

No. 1679. Craig/Heflin. Adds a new section on regulatory agreements.

No. 1680-1681. Johnston. Amendments to petition for agency review.

No. 1682. Johnston. Technical to congressional review provisions.

No. 1683. Johnston. With respect to changes to the schedules for review of existing regulations, appropriations committees "may" (instead of "shall") include comments of authorizing committees in annual appropriations bills.

No. 1684-1689. Johnston. Amendments to section 624, decisional criteria.

No. 1690. Johnston. Modification to the legislations' effective dates.

No. 1691. Johnston. Conforms table of contents with that of the Department of Energy Organization Act.

No. 1692. Johnston. Adds Nuclear Regulatory Commission to section 627, special rule.

No. 1693. Johnston. Adds to cost-benefit analyses a requirement to compare the rule with other rules under that regulatory program.

No. 1694. Simon. Substitute Sense of the Senate for reform of the Delaney Clause.

No. 1695. Simon. Strike the Delaney Clause reform provision.

No. 1696. Nunn/Coverdell. Substitute for the Regulatory Flexibility Act amendments in subchapter IV.

No. 1697 and 1699. Nunn/Coverdell. Identifies the U.S. Court of Appeals of the District of Columbia Circuit as the court of review for certain agency determinations.

No. 1698 and 1700. Nunn/Coverdell. Amendment to Nunn/Coverdell amendment to definition of major rule.

No. 1701. Johnston. Research and training for risk assessments.

No. 1702. Levin. Change congressional review period from 60 to 45 days.

No. 1703. Levin. Substitute for section 626, deadlines for rulemakings, are delayed for two years instead of five years.

No. 1704. Levin. Amendment to cost-benefit analysis requirements.

No. 1705. Levin. Exempts rules relating to government loans, grants, or benefits.

Nos. 1706-1707. Levin. Technical modifications to cost-benefit requirements.

No. 1708. Biden. Exempt rules protecting the blood supply.

Nos. 1709-1710. Biden. Exempts rules that remove products from commerce.

No. 1711-1712. Daschle. Exempts from risk assessments and cost-benefit requirements agency actions enhancing fish and seafood safety.

No. 1713. Ashcroft. Adds new title on regulatory relief zones.

No. 1714. Moynihan. Substitute for section 553, rulemaking, to exempt interpretative rules involving the internal revenue laws.

Nos. 1715-1716. Moynihan. Exempts Internal Revenue rules from petition process and Regulatory Flexibility analysis.

No. 1717. Moynihan. Clarifies no limitations to 26 U.S.C. 7805.

No. 1718. Moynihan. Amendments to Subchapter II.

No. 1719. Packwood. Not printed.

No. 1720-1721. Packwood. Same as Nos. 1718 and 1717, respectively.

No. 1722-1723. Packwood. Same as No. 1716-1715, respectively.

No. 1724. Glenn/Levin. Amends peer review to give agencies an option not to do peer reviews if an OIRA concurs.

No. 1725. Glenn/Levin. Technicals to cost-benefit analysis requirements.

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